

REMARKS

Claims 1-35 and 71-91 were pending of which Claims 8-17, 25-31, 35 and 77-91 were withdrawn from consideration. Claims 1-7, 18-22, 32-34 and 71-76 were rejected and Claims 23 and 24 were objected to. Claims 18, 23, 24, and 71 have been amended and Claim 22 has been cancelled. In addition, withdrawn claims 25, 77, and 78 have been amended. No new matter has been added.

The Examiner objected to Claims 23 and 24 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 23 and 24 have been so amended. Thus, the scope of Claims 23 and 24 has not been narrowed. No new matter has been added in the claims.

Specification

The Examiner objected to the title. The title has been amended. In addition, the specification has been amended to provide the serial numbers of applications.

Reconsideration and withdrawal of the objection is requested.

Double Patenting

Claims 1-5 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 10/805,424 in view of U.S. 2002/0140880. A terminal disclaimer is attached hereto.

Reconsideration and withdrawal of this rejection is respectfully requested. It is respectfully submitted that independent Claim 1 and Claims 4-5 are now in condition for allowance.

Claim Rejections – 35 U.S.C. §102

Claims 18-22, 32, 33, and 71-74 were rejected under 35 U.S.C. §102(b) as being anticipated by Weindorf et al. (2002/0140880) (“Weindorf”). Reconsideration is requested.

Claim 18 has been amended to recite “wherein the non-absorbing polarizer and randomizing element are configured to preserve the overall radiance of the light transmitted by the non-absorbing polarizer with respect to the light emitted when the active region is forward biased”. Support for the amendment is found, e.g., at Figs. 2C, 7, 9B, the accompanying text as well as paragraphs 0043, and 0048.

Weindorf discloses a system in which radiance, as defined by equation 2 of the present application, is not preserved. As can be seen in Fig. 2 of Weindorf, the surface area (SA) of emission of the polarizer 106 along with the solid angle α of the emitted radiation, is significantly greater than the surface area (SA) of emission of the LEDs 126 along with the solid angle α of the emitted radiation. Accordingly, the radiance is not preserved in Weindorf.

Thus, Applicant respectfully submits that Claim 18 is patentable over Weindorf. Reconsideration and withdrawal of this rejection is respectfully requested. Claims 19-35 depend from Claim 18 are, therefore, likewise patentable.

Independent Claim 71 has been amended to recite "wherein the non-absorbing polarizer and randomizing element are configured to preserve the overall radiance of the light transmitted by the non-absorbing polarizer with respect to the light emitted by the light emitting diode" similar to the amendment in Claim 18. Thus, as discussed above, Applicant respectfully submits that Claim 71 is patentable over Weindorf. Reconsideration and withdrawal of this rejection is respectfully requested. Claims 72-78 depend from Claim 71 are, therefore, likewise patentable.

Claim Rejections – 35 U.S.C. §103

Claims 6-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Niwa et al. (2002/0031153) ("Niwa") in view of Weindorf. Reconsideration is requested.

Claims 6-7 are dependent on Claim 1. Claim 1 is now in condition for allowance. Therefore, Claims 6-7 are allowable for at least the same reasons as Claim 1.

Moreover, Applicant notes that Niwa discloses a "semiconductor laser device" not a light emitting diode as recited in Claim 1. See, Niwa paragraph 0037.

Thus, Applicant respectfully submits that Claims 6-7 are patentable over the combination of Niwa and Weindorf. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 34, 75, and 76 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weindorf in view of Weber et al. (2001/0036083)) ("Weber"). Reconsideration is requested.

Claim 34 depends from Claim 18 and Claims 75-76 depend from Claim 71. Weber does not make up for the deficiencies of Weindorf as described above. Accordingly, Claim 34 and Claims 75-76 are allowable for at least the same reasons as Claim 18 and Claim 71, respectively.

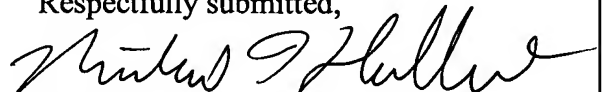
Claims 6 and 7 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Niwa in view of Weindorf in view of Weber. Reconsideration is requested.

Weber does not make up for the deficiencies of Weindorf or Niwa as described above. Accordingly, Claim 6 and 7 are allowable for at least the same reasons as those provided above.

Claims 18, 23, 24, 25, 71 77, and 78 have been amended and Claim 22 has been cancelled leaving Claims 1-21, 23-35 and 71-91 pending, of which Claims 8-17, 25-31, 35 and 77-91 are withdrawn from consideration. For the above reasons, Applicants respectfully request allowance of Claims 1-21, 23-35 and 71-91. Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 982-8202.

**Via Express Mail Label No.
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Respectfully submitted,



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